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# PEACE WITH MEXICO.

BY ALBERT GALLATIN.

## I.—*The Law of Nations.*

It seems certain that Mexico must ultimately submit to such terms of peace as the United States shall dictate. An heterogeneous population of seven millions, with very limited resources, and no credit; distracted by internal dissensions, and by the ambition of its chiefs, a prey by turns to anarchy and to military usurpers; occupying among the nations of the civilized world, either physically or mentally, whether in political education, social state, or any other respect, but an inferior position; cannot contend successfully with an energetic, intelligent, enlightened and united nation of twenty millions, possessed of unlimited resources and credit, and enjoying all the benefits of a regular, strong, and free government. All this was anticipated; but the extraordinary successes of the Americans have exceeded the most sanguine expectations. All the advanced posts of the enemy, New Mexico, California, the line of the lower Rio Norte, and all the sea ports, which it was deemed necessary to occupy, have been subdued. And a small force, apparently incompetent to the object, has penetrated near three hundred miles into the interior, and is now in quiet possession of the far-famed metropolis of the Mexican dominions. The superior skill and talents of our distinguished generals, and the unparalleled bravery of our troops, have surmounted all obstacles. By whomsoever commanded on either side; however strong the positions and fortifications of the Mexicans, and with a tremendous numerical superiority, there has not been a single engagement, in which they have not been completely defeated. The most remarkable and unexpected feature of that warfare is, that volunteers, wholly undisciplined in every sense of the word, have vied in devotedness and bravery with the regular forces, and have proved themselves, in every instance, superior in the open field to the best regular forces of Mexico. These forces are now annihilated or dispersed; and the Mexicans are reduced to a petty warfare of guerillas which, however annoying, cannot be productive of any important results.

It is true, that these splendid successes have been purchased at a price far exceeding their value. It is true, that neither the glory of these military deeds, nor the ultimate utility of our conquests, can compensate the lamentable loss of the many thousand valuable lives sacrificed in the field, of the still greater number who have met with an obscure death, or been disabled by disease and fatigue. It is true that their relatives, their parents, their wives and children, find no consolation, for the misery inflicted upon them, in the still greater losses experienced by the Mexicans. But if, disregarding private calamities and all the evils of a general nature, the necessary consequences of this war, we revert solely to the relative position of the two countries, the impotence of the Mexicans and their total inability to continue the war, with any appearance of success, are still manifest.

The question then occurs: What are the terms which the United States have a right to impose on Mexico? All agree that it must be an "honorable peace;" but the true meaning of this word must in the first place be ascertained.

The notion, that anything can be truly honorable which is contrary to justice, will, as an abstract proposition, be repudiated by every citizen of the United States. Will any one dare to assert, that a peace can be honorable, which does not conform with justice?

There is no difficulty in discovering the principles by which the relations between civilized and Christian nations should be regulated, and the reciprocal duties which they owe to each other. These principles, these duties have long since been proclaimed; and the true law of nations is nothing else than the conformity to the sublime precepts of the Gospel morality, precepts equally applicable to the relations between man and man, and to the intercourse between nation and nation. "Thou shalt love thy neighbor as thyself." "Love your enemies." "As you would that men should do to you, do ye also to them likewise." The sanctity of these commands is acknowledged, without a single exception, by every denomination of Christians, or of men professing to be such. The sceptical philosopher admits and admires

the precept. To this holy rule we should inflexibly adhere when dictating the terms of peace. The United States, though they have the power, have no right to impose terms inconsistent with justice. It would be a shameful dereliction of principle, on the part of those who were averse to the annexation of Texas, to countenance any attempt to claim an acquisition of territory, or other advantage, on account of the success of our arms.

But in judging the acts of our Government, it must be admitted that statesmen think a conformity to these usages which constitute the law of nation, not as it should be, but as it is practically, sufficient to justify their conduct. And by that inferior standard, those acts and our duties in relation to Mexico will be tested.

## II.—*Indemnities to Citizens of the United States.*

The United States had, and continue to have, an indubitable right to demand a full indemnity, for any wrongs inflicted on our citizens by the Government of Mexico, in violation of treaties or of the acknowledged law of nations. The negotiations for satisfying those just demands had been interrupted by the annexation of Texas. When an attempt was subsequently made to renew them, it was therefore just and proper, that both subjects should be discussed at the same time : and it is now absolutely necessary that those just claims should be fully provided for, in any treaty of peace that may be concluded, and that the payment should be secured against any possible contingency. I take it for granted that no claims have been, or shall be sustained by our Government, but such as are founded on treaties or the acknowledged law of nations.

Whenever a nation becomes involved in war, the manifestoes, and every other public act issued for the purpose of justifying its conduct, always embrace every ground of complaint which can possibly be alleged. But admitting, that the refusal to satisfy the claims for indemnity of our citizens might have been a just cause of war, it is most certain, that those claims were not the cause of that in which we are now involved.

It may be proper, in the first place, to observe, that the refusal of doing justice, in cases of this kind, or the long delays in providing for them, have not generally produced actual war. Almost always long protracted negotiations have been alone resorted to. This has been strikingly the case with the United States. The claims of Great Britain for British debts, secured by the treaty of 1783, were not settled and paid till the year 1803 ; and it was only subsequent to that year, that the claims of the United States, for depredations committed in 1793, were satisfied. The very plain question of slaves, carried away by the British forces in 1815, in open violation of the treaty of 1814, was not settled and the indemnity paid till the year 1826. The claims against France for depredations, committed in the years 1806 to 1813, were not settled and paid for till the year 1834. In all those cases, peace was preserved by patience and forbearance.

With respect to the Mexican indemnities, the subject had been laid more than once before Congress, not without suggestions that strong measures should be resorted to. But Congress, in whom alone is vested the power of declaring war, uniformly declined doing it.

A convention was entered into on the 11th April, 1839, between the United States and Mexico, by virtue of which a joint commission was appointed for the examination and settlement of those claims. The powers of the Commissioners terminated, according to the convention, in February, 1842. The total amount of the American claims, presented to the commission, amounted to 6,291,605 dollars. Of these, 2,026,140 dollars were allowed by the commission ; a further sum of 928,628 dollars was allowed by the commissioners of the United States, rejected by the Mexican commissioners, and left undecided by the umpire ; and claims amounting to 3,336,837 dollars had not been examined.

A new convention, dated January 30, 1843, granted to the Mexicans a further delay for the payment of the claims which had been admitted, by virtue of which the interest due to the claimants was made payable on the 30th April, 1843, and the principal of the awards, and the interest accruing thereon, was stipulated to be paid in five years, in twenty equal instalments every three months. The claimants received the interest due on the 30th April, 1843, and the three first instalments. The agent of the United States having, under peculiar circumstances, given a receipt for the instalments due in April and July, 1844, before they had been actually paid by Mexico, the payment has been assumed by the United States and discharged to the claimants.

A third convention was concluded at Mexico on the 20th November, 1843, by the Plenipotentiaries of the two Governments, by which provision was made for ascertaining and paying the claims on which no final decision had been made. In January, 1844, this convention was ratified by the Senate of the United States, with two amendments, which were referred to the Government of Mexico, but respecting which no answer has ever been made. On the 12th of April, 1844, a treaty was concluded by the President with Texas, for the annexation of that republic to the United States. This treaty, though not ratified by the Senate, placed the two countries in a new position, and arrested for a while all negotiations. It was only on the 1st of March, 1845, that Congress passed a joint resolution for the annexation.

It appears most clearly, that the United States are justly entitled to a full indemnity for the injuries done to their citizens; that, before the Annexation of Texas, there was every prospect of securing that indemnity; and that those injuries, even if they had been a just cause for war, were in no shape whatever the cause of that in which we are now involved.

Are the United States justly entitled to indemnity for any other cause? This question cannot be otherwise solved, than by an inquiry into the facts, and ascertaining by whom, and how, the war was provoked.

### III.—*Annexation of Texas.*

At the time when the annexation of Texas took place, Texas had been recognized as an independent power, both by the United States and by several of the principal European powers; but its independence had not been recognized by Mexico, and the two contending parties continued to be at war. Under those circumstances, there is not the slightest doubt that the annexation of Texas was tantamount to a declaration of war against Mexico. Nothing can be more clear and undeniable than that, whenever two nations are at war, if a third Power shall enter into a treaty of alliance, offensive and defensive, with either of the belligerents, and if such treaty is not contingent, and is to take effect immediately and pending the war, such treaty is a declaration of war against the other party. The causes of the war between the two belligerents do not alter the fact. Supposing that the third party, the interfering Power, should have concluded the treaty of alliance with that belligerent who was clearly engaged in a most just war, the treaty would not be the less a declaration of war against the other belligerent.

If Great Britain and France were at war, and the United States were to enter into such a treaty with either, can there be the slightest doubt that this would be actual war against the other party? that it would be considered as such, and that it must have been intended for that purpose? If at this moment, either France or England were to make such a treaty with Mexico, thereby binding themselves to defend and protect it with all their forces against any other Power whatever, would not the United States instantaneously view such a treaty as a declaration of war, and act accordingly?

But the annexation of Texas, by the United States, was even more than a treaty of offensive and defensive alliance. It embraced all the conditions and all the duties growing out of the alliance; and it imposed them forever. From the moment when Texas had been annexed, the United States became bound to protect and defend her, so far as her legitimate boundaries extended, against any invasion, or attack, on the part of Mexico: and they have uniformly acted accordingly.

There is no impartial publicist that will not acknowledge the indubitable truth of these positions: it appears to me impossible that they should be seriously denied by a single person.

It appears that Mexico was at that time disposed to acknowledge the independence of Texas, but on the express condition, that it should not be annexed to the United States; and it has been suggested, that this was done under the influence of some European Powers. Whether this last assertion be true or not, is not known to me. But the condition was remarkable and offensive.

Under an apprehension that Texas might be tempted to accept the terms proposed, the Government of the United States may have deemed it expedient to defeat the plan, by offering that annexation, which had been formerly declined, when the Government of Texas was anxious for it.

It may be admitted that, whether independent or annexed to the United States,

Texas must be a slave-holding State, so long as slavery shall continue to exist in North America. Its whole population, with hardly any exception, consisted of citizens of the United States. Both for that reason, and on account of its geographical position, it was much more natural, that Texas should be a member of the United States, than of the Mexican Confederation. Viewed purely as a question of expediency, the annexation might be considered as beneficial to both parties. But expediency is not justice. Mexico and Texas had a perfect right to adjust their differences and make peace, on any terms they might deem proper. The anxiety to prevent this result indicated a previous disposition ultimately to occupy Texas: and when the annexation was accomplished; when it was seen, that the United States had appropriated to themselves all the advantages resulting from the American settlements in Texas, and from their subsequent insurrection; the purity of the motives of our Government became open to suspicion.

Setting aside the justice of the proceeding, it is true that it had been anticipated, by those who took an active part in the annexation, that the weakness of Mexico would compel it to yield, or at least induce her not to resort to actual war. This was verified by the fact: and had Government remained in the hands with whom the plan originated, war might probably have been avoided. But when no longer in power, they could neither regulate the impulse they had given, nor control the reckless spirits they had evoked.

Mexico, sensible of her weakness, declined war, and only resorted to a suspension of diplomatic intercourse; but a profound sense of the injury inflicted by the United States has ever since rankled in their minds. It will be found, through all their diplomatic correspondence, through all their manifestoes, that the Mexicans, even to this day, perpetually recur to this never-forgotten offensive measure. And, on the other hand, the subsequent administration of our Government seems to have altogether forgotten this primary act of injustice, and, in their negotiations, to have acted as if this was only an accomplished fact, and had been a matter of course.

#### IV.—*Negotiations and War.*

In September, 1845, the President of the United States directed their consul at Mexico to ascertain from the Mexican Government, whether it would receive an *Envoy* from the United States, intrusted with full power to adjust all the questions in dispute between the two Governments.

The answer of Mr. De la Pena y Pena, Minister of the Foreign Relations of Mexico, was, "That although the Mexican nation was deeply injured by the United States, through the acts committed by them in the department of Texas, which belongs to his nation, his Government was disposed to receive the *Commissioner* of the United States who might come to the capital, with full powers from his Government to settle the present dispute in a peaceful, reasonable and honorable manner;" thus giving a new proof that, even in the midst of its injuries and of its firm decision to exact adequate reparation for them, the Government of Mexico does not reply with contumely to the measures of reason and peace to which it was invited by its adversary.

The Mexican Minister at the same time intimated, that the previous recall of the whole naval force of the United States, then lying in sight of the port of Vera Cruz, was indispensable; and this was accordingly done by our Government.

But it is essential to observe that, whilst Mr. Black had, according to his instructions, inquired, whether the Mexican Government would receive an *Envoy* from the United States, with full power to adjust all the questions in dispute between the two Governments, the Mexican Minister had answered, that his Government was disposed to receive the *Commissioner* of the United States, who might come with full powers to settle the present dispute in a peaceful, reasonable and honorable manner.

Mr. Slidell was, in November following, appointed Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of the Mexican Republic; and he arrived in Mexico on the sixth of December.

Mr. Herrera, the President of Mexico, was undoubtedly disposed to settle the disputes between the two countries. But taking advantage of the irritation of the mass of the people, his political opponents were attempting to overthrow him for having made, as they said, unworthy concessions. The arrival of Mr. Slidell disturbed him extremely; and Mr. Pena y Pena declared to Mr. Black, that his appearance in the capital at this time might prove destructive to the Government, and thus defeat the

whole affair. Under these circumstances General Herrera complained, without any foundation, that Mr. Slidell had come sooner than had been understood; he resorted to several frivolous objections against the tenor of his powers; and he intimated that the difficulties respecting Texas must be adjusted before any other subject of discussion should be taken into consideration.

But the main question was, whether Mexico should receive Mr. Slidell in the character of Envoy Extraordinary and Minister Plenipotentiary, to reside in the republic. It was insisted by the Mexican Government, that it had only agreed to receive a commissioner, to treat on the questions which had arisen from the events in Texas; and that until this was done, the suspended diplomatic intercourse could not be restored, and a residing minister plenipotentiary be admitted.

Why our Government should have insisted that the intended negotiation should be carried on by a residing Envoy Extraordinary and Minister Plenipotentiary, is not understood. The questions at issue might have been discussed and settled as easily, fully, and satisfactorily, by commissioners appointed for that special purpose, as by residing ministers or envoys. It is well known that when diplomatic relations have been superseded by war, treaties of peace have been almost universally negotiated by commissioners or plenipotentiaries appointed for that special purpose, who are personally amply protected by the law of nations, but who are not received as resident ministers, till after the peace has restored the ordinary diplomatic intercourse. Thus the treaty of peace of 1783, between France and England, was negotiated and concluded at Paris, on the part of Great Britain, by a commissioner or plenipotentiary who was not admitted as a resident envoy or minister.

The only distinction which can possibly be made between the two cases is, that there was not as yet actual war between Mexico and the United States. But the annexation of Texas was no ordinary occurrence. It was a most clear act of unprovoked aggression; a deep and most offensive injury; in fact, a declaration of war, if Mexico had accepted it as such. In lieu of this, that country had only resorted to a suspension of the ordinary diplomatic relations. It would seem as if our Government had considered this as an act of unparalleled audacity, which Mexico must be compelled to retract, before any negotiations for the arrangement of existing difficulties could take place; as an insult to the Government and to the nation, which must compel it to assert its just rights and *to avenge its injured honor*.

General Herrera was not mistaken in his anticipations. His government was overset in the latter end of the month of December, 1845, and fell into the hands of those who had denounced him for having listened to overtures for an arrangement of the difficulties between the two nations.

When Mexico felt its inability to contend with the United States; and, instead of considering the annexation Texas to be, as it really was, tantamount to a declaration of war, only suspended the ordinary diplomatic relations between the two countries, its Government, if directed by wise counsels, and not impeded by popular irritation, should at once, since it had already agreed to recognize the independence of Texas, have entered into a negotiation with the United States. At that time there would have been no intrinsic difficulty in making a final arrangement, founded on an unconditional recognition of the independence of Texas, within its legitimate boundaries. Popular feeling and the ambition of contending military leaders, prevented that peaceable termination of those unfortunate dissensions.

Yet, when Mexico refused to receive Mr. Slidell as an Envoy Extraordinary and Minister Plenipotentiary, the United States should have remembered, that we had been the aggressors, that we had committed an act acknowledged, as well by the practical law of nations, as by common sense and common justice, to be tantamount to a declaration of war; and they should have waited with patience, till the feelings excited by our own conduct had subsided.

General Taylor had been instructed by the War Department, as early as May, 28, 1845, to cause the forces under his command to be put into a position where they might most promptly and efficiently act in defence of Texas, in the event that it should become necessary or proper to employ them for that purpose. By subsequent instructions, and after the people of Texas had accepted the proposition of annexation, he was directed to select and occupy a position adapted to repel invasion, as near the boundary line, the Rio Grande, as prudence would dictate; and that, with

this view, a part of his forces at least should be west of the river Nueces. It was certainly the duty of the President to protect Texas against invasion, from the moment it had been annexed to the United States; and as that republic was in actual possession of Corpus Christi, which was the position selected by General Taylor, there was nothing, in the position he had taken, indicative of any danger of actual hostilities.

But our Government seems to have considered the refusal, on the part of Mexico, to receive Mr. Slidell as a resident Envoy of the United States, as necessarily leading to war. The Secretary of State, in his letter to Mr. Slidell of January 28, 1846, says:—

“Should the Mexican Government finally refuse to receive you, the cup of forbearance will then have been exhausted. Nothing can remain but to take the redress of the injuries to our citizens, and the insults to our Government, into our own hands.”

And again:—

“Should the Mexican Government finally refuse to receive you, then demand passports from the proper authority, and return to the United States. It will then become the duty of the President to submit the whole case to Congress, and call upon the nation to assert its just rights, and avenge its injured honor.”

With the same object in view, the Secretary of War did, by his letter dated January 13, 1846, instruct General Taylor

“To advance and occupy, with the troops under his command, positions on or near the east bank of the Rio del Norte. . . . It is presumed Point Isabel will be considered by you an eligible position. This point, or some one near it, and points opposite Matamoras and Mier, and in the vicinity of Laredo, are suggested for your consideration. . . . Should you attempt to exercise the right, which the United States have in common with Mexico, to the free navigation of this river, it is probable that Mexico would interpose resistance. You will not attempt to enforce this right without further instructions. . . . It is not designed, in our present relations with Mexico, that you should treat her as an enemy; but, should she assume that character by a declaration of war, or any open act of hostility towards us, you will not act merely on the defensive if your relative means enable you to do otherwise.”

The administration was therefore of opinion, that this military occupation of the territory in question was not an act of hostility towards Mexico, or treating her as an enemy. Now, I do aver, without fear of contradiction, that whenever a territory claimed by two powers is, and has been for a length of time, in the possession of one of them, if the other should invade and take possession of it by military force, such an is an open act of hostility, according to the acknowledged and practical law of nations. In this case the law of nations only recognizes a clear and positive fact.

The sequel is well known. General Taylor, with his troops, left Corpus Christi, March 8th to 11th, 1846, and entered the desert which separates that place from the vicinity of the del Norte. On the 21st he was encamped three miles south of the Arroyo, or Little Colorado, having by the route he took marched 135 miles, and being nearly north of Matamoras about thirty miles distant. He had on the 19th met a party of irregular Mexican cavalry, who informed him that they had peremptory orders, if he passed the river, to fire upon his troops, and that it would be considered a declaration of war. The river was however crossed without a single shot having been fired. In a proclamation issued on the 12th, General Mejia, who commanded the forces of the Department of Tamaulipas, asserts, that the limits of Texas are certain and recognized, and never had extended beyond the river Nueces, that the cabinet of the United States coveted the regions on the left bank of the Rio Bravo, and that the American army was now advancing to take possession of a large part of Tamaulipas. On the 24th March General Taylor reached a point on the route from Matamoras to Point Isabel, eighteen miles from the former, and ten from the latter place, where a deputation sent him a formal Protest of the Prefect of the Northern District of the Department of Tamaulipas, declaring, in behalf of the citizens of the district, that they never will consent to separate themselves from the Mexican Republic, and to unite themselves with the United States. On the 12th of April, the Mexican General Ampudia required General Taylor to break up his camp within twenty-four hours, and to retire to the other bank of the Nueces river, and notified him that, if he persisted in remaining upon the soil of the Department of Tamaulipas, it would clearly result that arms alone must decide the question; in which case he declared that the Mexicans would accept the war to which they had been provoked. On the 24th of April, General Arista arrived in Matamoras, and on the same day informed General Taylor, that he considered hostilities commenced, and would prosecute them. On



the same day, a party of sixty-three American dragoons, who had been sent some distance up the left bank of the river, became engaged with a very large force of the enemy, and after a short affair, in which about sixteen were killed or wounded, were surrounded and compelled to surrender. These facts were laid before Congress by the President in his message of the 11th of May.

### V.—*The claim of Texas to the Rio del Norte, as its boundary, examined.*

From what precedes it appears, that the Government of the United States considered the refusal of Mexico to receive a resident Envoy, or minister, as a sufficient cause for war; and the Rio del Norte as the legitimate boundary of Texas. The first opinion is now of no importance; but the question of boundary, which was the immediate cause of hostilities, has to this day been the greatest impediment to the restoration of peace. I feel satisfied, that if this was settled, there would be no insuperable difficulty in arranging other pretensions.

The United States claim no other portion of the Mexican dominions, unless it be by right of conquest. The tract of country between the Rio Nueces and the del Norte, is the only one, which has been claimed by both parties, as respectively belonging either to Texas or to Mexico. As regards every other part of the Mexican possessions, the United States never had claimed any portion of it. The iniquity of acquiring any portion of it, otherwise than by fair compact freely consented to by Mexico, is self-evident. It is, in every respect, most important to examine the grounds on which the claim of the United States to the only territory claimed by both nations is founded. It is the main question at issue.

The Republic of Texas did, by an act of December, 1836, declare the Rio del Norte to be its boundary. It will not be seriously contended, that a nation has a right, by a law of its own, to determine what is or shall be the boundary between it and another country. The act was nothing more than the expression of the wishes or pretensions of the Government. Its only practical effect was that, emanating from its Congress or legislative body, it made it imperative on the Executive not to conclude any peace with Mexico, unless that boundary was agreed to. As regards right, the act of Texas is a perfect nullity. We want the arguments and documents by which the claim is sustained.

On a first view the pretension is truly startling. There is no exception: the Rio Norte from its source to its mouth is declared to be the rightful boundry of Texas. That river has its source within the department, province, or state of New Mexico, which it traverses through its whole length from north to south, dividing it into two unequal parts. The largest and most populous, including Santa Fè, the capital, lies on the left bank of the river, and is therefore embraced within the claim of Texas. Now this province of New Mexico was first visited and occupied by the Spaniards under Vasquez Coronado, in the years 1540 to 1542. It was at that time voluntarily evacuated, subsequently re-visited, and some settlements made about the year 1583: finally conquered in 1595 by the Spaniards, under the command of Onate. An insurrection of the Indians drove away the Spaniards in the year 1680. They re-entered it the ensuing year, and after a long resistance re-conquered it. This was an internal conflict with the Aborigines; but as related to foreign powers, the sovereignty of the Spaniards over the territory was never called in question; and it was, in express terms, made the western boundary of Louisiana in the Royal Charter of the French Government.

The conquest of the province by Onate, took place five-and-twenty years prior to the landing of the Pilgrims in New England, and twelve years before any permanent settlement had been made in North America, on the shores of the Atlantic, by either England, France, Holland, Sweden, or any other power, but that in Florida by Spain herself.

I have in vain sought for any document, emanating from the Republic or State of Texas, for the purpose of sustaining its claim either to New Mexico or to the country bordering on the lower portion of the del Norte. The only official papers within my reach, in which the claim of Texas is sustained, are the President's messages of May 11th and Dec. 3rd, 1846; and these refer only to the country bordering on the lower part of the del Norte. The portion of the message of May 11th, 1846, relating to that subject, is as follows:

“Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the

boundary of that republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the del Norte had been represented in the Congress and in the Convention of Texas; had thus taken part in the act of annexation itself; and is now included within one of our congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory, by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed, by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defence of that portion of our country. Accordingly, on the 13th of January last, instructions were issued to the general in command of these troops to occupy the left bank of the del Norte. . . . .

"The movement of the troops to the del Norte was made by the commanding general, under positive instructions to abstain from all aggressive acts towards Mexico or Mexican citizens, and to regard the relations between that Republic and the United States as peaceful, unless she should declare war, or commit acts of hostility indicative of a state of war. He was specially directed to protect private property, and respect personal rights."

In his annual message of December 8, 1846, the President states that Texas, as ceded to the United States by France in 1803, has been always claimed as extending west to the Rio Grande; that this fact is established by declarations of our Government during Mr. Jefferson's and Mr. Monroe's administrations; and that the Texas which was ceded to Spain by the Florida treaty of 1819, embraced all the country now claimed by the State of Texas between the Nueces and the Rio Grande.

He then repeats the Acts of Texas with reference to their boundaries; stating that: "During a period of more than nine years, which intervened between the adoption of her constitution and her annexation as one of the States of our Union, Texas asserted and exercised many acts of sovereignty and jurisdiction over the territory and inhabitants west of the Nueces; such as organizing and defining limits of counties extending to the Rio Grande; establishing courts of justice, and extending her judicial system over the territory; establishing also a custom-house, post-offices, a land-office, &c."

The President designates by the name of *Texas*, the cession of Louisiana by France to the United States; and he again calls the territory ceded to Spain by the Florida treaty of 1819, *the Texas*. He intimates that the claim of the United States to the territory between the Sabine and the Rio Norte, was derived from the boundaries of Texas, and that by claiming as far west as this river, the United States did recognize that it was the boundary of *the Texas*. I really do not understand what is meant by this assertion.

The United States claimed the Rio Norte as being the legitimate boundary of *Louisiana*, and not of *Texas*. Neither they nor France had ever been in possession of the country beyond the Sabine. Spain had always held possession, and had divided the territory into provinces as she pleased. One of these was called *Texas*, and its boundaries had been designated and altered at her will. With these the United States had no concern. If their claim could be sustained, it must be by proving that *Louisiana* extended of right thus far. This had no connection with the boundaries which Spain might have assigned to her province of *Texas*. These might have extended beyond the Rio del Norte, or have been east of the Rio Nueces. There is not the slightest connection between the legitimate boundaries of *Louisiana*, and those of the Spanish province of *Texas*. The presumed identity is a mere supposition.

It is not necessary to discuss the soundness of the pretensions to the Rio Norte, asserted by Mr. Jefferson and Mr. Monroe, since they were yielded in exchange of Florida and some other objects by the treaty of 1819; a treaty extremely popular at the time, and the execution of which was pressed with great zeal and perseverance.

Whenever ultimately ceded to Mexico, that republic fixed its boundaries as it thought proper. *Texas* and *Cohahuila* were declared to form a state; and the Rio Nueces was made the boundary of *Texas*. When *Texas* declared itself independent, it was the insurrection of only part of a state; for *Cohahuila* remained united to Mexico. But the Rio Nueces was the boundary between the department of *Texas* and the state of *Tamaulipas*. The whole contested territory lies within the limits of *Tamaulipas*, which never was, under the Mexican Government, connected in any shape with *Texas*.

The question now under consideration is only that between the United States and Mexico; and in that view of the subject, it is quite immaterial whether the acts of the United States emanated from Congress, or from the Executive. No act of either, recognizing the country beyond the Nueces, as a part of the territory of the United States, can be alleged against Mexico, as a proof of their right to the country thus claimed. Any such act is only an assertion, a declaration, but not an argument

sustaining the right. It is, however, proper to observe here, that the port of delivery west of the Nueces, erected by the act of Congress 'To establish a collection district in the state of Texas,' was at Corpus Christi, a place which was in the actual possession in that state.

It must also be premised that, in the joint resolution for the annexation of Texas, the question of the boundary between it and Mexico was expressly reserved, as one which should be settled by treaty between the United States and Mexico.

The only arguments in the President's message which sustain the right of Texas to territory beyond the Nueces, are contained in those passages, in which it is asserted, that the jurisdiction of Texas had been extended and exercised beyond the Nueces; that the country between that river and the del Norte had been represented in the Congress and Convention of Texas, had taken part in the annexation itself, and was now included within one of our congressional districts.

But it is not stated in the President's message, how far beyond the Nueces the jurisdiction of Texas had been extended, nor what part of the country between that river and the del Norte had been represented in the Congress and Convention of Texas, and was then included within one of our congressional districts.

Now the actual jurisdiction beyond the Nueces never extended farther than the adjacent settlement of San Patricio, consisting of about twenty families. That small district, though beyond the Nueces, was contiguous to, and in the actual possession of Texas. On this account it might be rightfully included within the limits, which we were bound to protect against Mexican invasion.

But what was the country between this small settlement of San Patricio, or between Corpus Christi and the Rio del Norte, over which it might be supposed from the message, that the jurisdiction of Texas had been extended, so as to be included within one of our congressional districts? Here, again, Texas had erected that small settlement into a county called San Patricio, and declared that this county extended to the Rio del Norte. This, like all other declaratory acts of the same kind, was only an assertion not affecting the question of right. The State of Texas might, with equal propriety, have declared that their boundary extended to the Sierra Madre or to the Pacific. The true question of right to any territory beyond the Mexican limits of the Department of Texas depends on the facts: By whom was the territory in question actually inhabited and occupied? and had the inhabitants united with Texas in the insurrection against Mexico?

The whole country beyond the settlement of San Patricio and Corpus Christi, till within a few miles of the del Norte, is a perfect desert, one hundred and sixty miles wide by the route pursued by General Taylor, as stated by himself, and near one hundred and twenty miles in a straight line.

The only settled part of it is along the left bank of the del Norte, and but a few miles in breadth. This belt was settled, inhabited and occupied exclusively by Mexicans. It included the town of Laredo; and Mexico had a custom-house at Brazos, north of the mouth of the river. Till occupied by the American arms it had ever been, and was at the time when invaded by General Taylor, a part of the Department of Tamaulipas, and subject to the jurisdiction of the Prefect of the Northern District of that department.

In the course of the war between Mexico and Texas, incursions had been occasionally made by each party into the territories of the other. A Mexican officer had, once or twice, obtained temporary occupation of San Antonio, within the limits of Texas; and the Texans had on one occasion taken Laredo itself, and more than once had carried their arms, not only to the left bank of the del Norte, but even beyond that river. In both cases the aggressive parties had been repulsed and expelled. The last Texan expedition of that kind took place in December, 1842, and terminated in their defeat at Mier.

That the country, adjacent to the left bank of the river, was exclusively in the possession of the Mexicans, was well known to our Government.

When General Taylor marched to the del Norte, he issued an order (No. 30) translated into the Spanish, ordering all under his command, to observe with the most scrupulous respect the rights of all the inhabitants, who might be found in peaceful prosecution of their respective occupations, as well on the left as on the right side of the Rio Grande. No interference, he adds, will be allowed with the civil rights or religious privileges of the inhabitants.

In June, 1845, General Taylor had been directed to select and occupy, on or near the Rio Grande del Norte, such a site as would be best adapted to repel invasion and to protect our Western border. But on the 8th of July following, the Secretary of War (Mr. Marcy) addressed the following letter to him :

"This Department is informed that Mexico has some military establishments on the East side of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression, unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be disturbed as long as the relations of peace between the United States and Mexico continue."

On the 30th July, 1845, the Secretary again addresses Gen. Taylor as follows :

"You are expected to occupy, protect and defend the territory of Texas, to the extent that it has been occupied by the people of Texas. The Rio Grande is claimed to be the boundary between the two countries, and up to this boundary you are to extend your protection, only *excepting* any posts on the Eastern side thereof, which are in the actual occupancy of Mexican forces, or *Mexican settlements*, over which the Republic of Texas did not exercise jurisdiction at the period of annexation, or shortly before that event. It is expected, in selecting the establishment for your troops, you will approach as near the boundary line, the Rio Grande, as prudence will dictate. With this view, the President desires that your position, for a part of your forces at least, should be west of the River Nueces."

The Mexican settlements, thus excepted, are not those over which Texas did not claim jurisdiction, but those on the East bank of the Rio Grande, over which Texas did not *exercise* jurisdiction at the period mentioned. The President had no authority to give up the boundary claimed by Texas : but it is clear that at that time, when war was not contemplated, the Administration was of opinion that, till the question was definitely settled, the occupancy by the Mexicans of the territory adjacent the left bank of the del Norte ought not to be disturbed. Neither the subsequent refusal by Mexico to receive a residing Envoy, nor the successes of the American arms, have affected the question of right. The claim of Texas, whether to New Mexico, or to the lower portion of the Rio Norte, was identically the same, as invalid and groundless in one case as in the other. Why a distinction has been made by the Executive has not been stated. The fact is that he has established a temporary government for New Mexico, as a country conquered, and without any regard to the claim of Texas ; whilst on the other hand, he has permitted that State to extend its jurisdiction over the country lying on the left bank of the del Norte, which, like New Mexico, had been conquered by the arms of the United States. Not a shadow of proof has been adduced to sustain the pretensions of Texas to that district ; and justice imperiously requires that it should by the treaty of peace be restored to Mexico.

It so happens that the boundary, which may be traced in conformity with this principle, is a natural one, and that, as a measure of expediency, none more eligible could have been devised. A desert of one hundred and twenty miles separates the most south-westerly Texan settlements of Corpus Christi and San Patricio, from those of the Mexicans, on the left bank of the del Norte, than which no boundary could be devised, better calculated to prevent collisions hereafter between the two nations. It will be sufficient, for that purpose, to draw a nominal line through the desert, leaving all the waters that empty into the Rio Norte to Mexico, and all those that empty into the Rio Nueces to Texas, together with such other provisions, respecting fortifications and military posts, as may be necessary for the preservation of peace.

The line of the Rio Norte is one, from which Mexico would be perpetually threatened, and from which their adjacent towns on the eastern bank may be bombarded. Such an intolerable nuisance would perpetuate most hostile feelings. With such a narrow river as the Rio del Norte, and with a joint right of navigation, repeated collisions would be unavoidable.

Among these, when there was nothing but a fordable river to cross, slaves would perpetually escape from Texas ; and where would be the remedy ? Are the United States prepared to impose by a treaty on Mexico, where slavery is unknown, the obligation to surrender fugitive slaves ?

Mexico is greatly the weaker power, and requires a boundary which will give her as much security as is practicable. It is not required, either for the preservation of peace, or for any other legitimate purpose, that the United States should occupy a threatening position. It cannot be rationally supposed that Mexico will ever make an aggressive war against them ; and even in such case, the desert would protect

them against an invasion. If a war should ever again take place between the two countries, the overwhelming superiority of the Navy of the United States will enable them to carry on their operations wherever they please. They would, within a month, re-occupy the left bank of the Rio Norte, and within a short time, effect a landing and carry the war to any quarter they pleased.

Must the war be still prosecuted for an object of no intrinsic value, to which the United States have no legitimate right, which justice requires them to yield, and which even expediency does not require?

### VI.—*Recapitulation.*

It is an indisputable fact, that the annexation of Texas, then at war with Mexico, was tantamount to a declaration of war, and that the comparative weakness of Mexico alone prevented its Government from considering it as such.

Under these circumstances, it was evidently the duty of the United States to use every means to soothe and conciliate the Mexicans, and to wait with patience for an unconditional recognition of the independence of Texas, till the feelings excited by our aggression had subsided.

It has been shown that after Mexico had resorted, as a substitute for war, to the harmless suspension of the ordinary diplomatic intercourse, the attempt to make it retract that measure, before any negotiations for the restoration of harmony between the two countries should be entered into, was neither countenanced by the acknowledged law of nations, nor necessary for any useful purpose, nor consistent with a proper and just sense of the relative position in which the aggressive measure of the United States had placed the two countries. But that the refusal of Mexico to submit to that additional contumely, should have been considered as an insult to the United States, betrays the pride of power, rather than a just sense of what is due to the true dignity and honor of this nation.

It has been demonstrated that the republic of Texas had not a shadow of right to the territory adjacent to the left bank of the lower portion of the Rio Norte; that though she claimed, she never had actually exercised jurisdiction over any portion of it; that the Mexicans were the sole inhabitants, and in actual possession of that district; that therefore its forcible occupation by the army of the United States was, according to the acknowledged law of nations, as well as in fact, an act of open hostility and war; that the resistance of the Mexicans to that invasion was legitimate; and that therefore the war was unprovoked by them, and commenced by the United States.

If any doubt should remain of the correctness of these statements, let them be tested by the divine and undeniable precept, "Do unto others as you would be done by."

If at this moment France was to contract a treaty of defensive and offensive alliance with Mexico, a treaty taking effect immediately, and pending the war between the United States and Mexico, and binding herself to defend it with all her forces against any and every other Power, would not the United States at once consider such a treaty as a declaration of war against them?

If, in lieu of declaring war against Great Britain, in the year 1812, the United States had only suspended the ordinary diplomatic relations between the two countries; and Great Britain had declared that she would not enter into any negotiation for the settlement of all the subjects of difference between the two countries, unless the United States should, as a preliminary condition, restore those relations; would not this have been considered as a most insolent demand, and to which the United States never would submit?

If the United States were, and had been for more than a century, in possession of a tract of country, exclusively inhabited and governed by them, disturbed only by the occasional forays of an enemy; would they not consider the forcible military invasion and occupation of such a district by a third Power, as open and unprovoked war, commenced against them? And could their resistance to the invasion render them liable to the imputation of having themselves commenced the war?

Yet it would seem as if the splendid and almost romantic successes of the American arms had, for a while, made the people of the United States deaf to any other consideration than an enthusiastic and exclusive love of military glory; as if, forgetting the origin of the war, and with an entire disregard for the dictates of justice,

they thought that those successes gave the nation a right to dismember Mexico, and to appropriate to themselves that which did not belong to them.

But I do not despair, for I have faith in our institutions and in the people; and I will now ask them whether this was their mission? and whether they were placed by Providence on this continent for the purpose of cultivating false glory, and of sinking to the level of those vulgar conquerors who have at all times desolated the earth.

### VII.—*The Mission of the United States.*

The people of the United States have been placed by Providence in a position never before enjoyed by any other nation. They are possessed of a most extensive territory, with a very fertile soil, a variety of climates and productions, and a capacity of sustaining a population greater, in proportion to its extent, than any other territory of the same size on the face of the globe.

By a concurrence of various circumstances, they found themselves, at the epoch of their independence, in the full enjoyment of religious, civil, and political liberty, entirely free from any hereditary monopoly of wealth or power. The people at large were in full and quiet possession of all those natural rights, for which the people of other countries have for a long time contended, and still do contend. They were, and you still are, the supreme sovereigns, acknowledged as such by all. For the proper exercise of these uncontrolled powers and privileges, you are responsible to posterity, to the world at large, and to the Almighty Being who has poured on you such unparalleled blessings.

Your mission is, to improve the state of the world, to be the "Model Republic," to show that men are capable of governing themselves, and that this simple and natural form of government is that also which confers most happiness on all, is productive of the greatest development of the intellectual faculties, above all, that which is attended with the highest standard of private and political virtue and morality.

Your forefathers, the founders of the Republic, imbued with a deep feeling of their rights and duties, did not deviate from those principles. The sound sense, the wisdom, the probity, the respect for public faith, with which the internal concerns of the nation were managed, made our institutions an object of general admiration. Here, for the first time, was the experiment attempted with any prospect of success, and on a large scale, of a Representative Democratic Republic. If it failed, the last hope of the friends of mankind was lost, or indefinitely postponed; and the eyes of the world were turned towards you. Whenever real, or pretended apprehensions of the imminent danger of trusting the people at large with power, were expressed, the answer ever was, "Look at America!"

In their external relations the United States, before this unfortunate war, had, whilst sustaining their just rights, ever acted in strict conformity with the dictates of justice, and displayed the utmost moderation. They never had voluntarily injured any other nation. Every acquisition of territory from Foreign Powers was honestly made, the result of Treaties, not imposed, but freely assented to by the other party. The preservation of peace was ever a primary object. The recourse to arms was always in self-defence. On its expediency there may have been a difference of opinion. That, in the only two instances of conflict with civilized nations which occurred during a period of sixty-three years, (1783 to 1846,) the just rights of the United States had been invaded by a long continued series of aggressions, is undeniable. In the first instance, war was not declared; and there were only partial hostilities between France and England. The Congress of the United States, the only legitimate organ of the nation for that purpose, did, in 1812, declare war against Great Britain. Independent of depredations on our commerce, she had, for twenty years, carried on an actual war against the United States. I say, actual war, since there is now but one opinion on that subject; a renewal of the impressment of men sailing under the protection of our flag would be tantamount to a declaration of war. The partial opposition to the war of 1812, did not rest on a denial of the aggressions of England and of the justice of our cause, but on the fact that, with the exception of impressments, similar infractions of our just rights had been committed by France, and on the most erroneous belief, that the administration was partial to that country, and insincere in their apparent efforts to restore peace.

At present, all these principles would seem to have been abandoned. The most

just, a purely defensive war—and no other is justifiable—is necessarily attended with a train of great and unavoidable evils. What shall we say of one, iniquitous in its origin, and provoked by ourselves, of a war of aggression, which is now publicly avowed to be one of intended conquest?

If persisted in, its necessary consequences will be, a permanent increase of our military establishment and of executive patronage; its general tendency, to make man hate man, to awaken his worst passions, to accustom him to the taste of blood. It has already demoralized no inconsiderable portion of the nation.

The general peace, which has been preserved between the great European powers during the last thirty years, may not be ascribed to the purest motives. Be these what they may, this long and unusual repose has been most beneficial to the cause of humanity. Nothing can be more injurious to it, more lamentable, more scandalous, than the war between two adjacent republics of North America.

Your mission was, to be a model for all other governments and for all other less favored nations, to adhere to the most elevated principles of political morality, to apply all your faculties to the gradual improvement of your own institutions and social state, and, by your example, to exert a moral influence most beneficial to mankind at large. Instead of this, an appeal has been made to your worst passions; to cupidity, to the thirst of unjust aggrandizement by brutal force; to the love of military fame and of false glory; and it has even been tried to pervert the noblest feelings of your nature. The attempt is made to make you abandon the lofty position which your fathers occupied, to substitute for it the political morality and heathen patriotism of the heroes and statesmen of antiquity.

I have said, that it was attempted to pervert even your virtues. Devotedness to country, or patriotism, is a most essential virtue, since the national existence of any society depends upon it. Unfortunately, our most virtuous dispositions are perverted, not only by our vices and selfishness, but also by their own excess. Even the most holy of our attributes, the religious feeling, may be perverted from that cause, as was but too lamentably exhibited in the persecutions, even unto death, of those who were deemed heretics. It is not, therefore, astonishing, that patriotism, carried to excess, should also be perverted. In the entire devotedness to their country, the people, everywhere and at all times, have been too apt to forget the duties imposed upon them by justice towards other nations. It is against this natural propensity that you should be specially on your guard. The blame does not attach to those who, led by their patriotic feelings, though erroneous, flock around the national standard. On the contrary, no men are more worthy of admiration, or better entitled to the thanks of their country, than those who, after war has once taken place, actuated only by the purest motives, daily and with the utmost self-devotedness, brave death and stake their own lives in the conflict against the actual enemy. I must confess, that I do not extend the same charity to those civilians, who coolly and deliberately plunge the country into any unjust or unnecessary war.

We should have but one conscience; and most happy would it be for mankind, were statesmen and politicians only as honest, in their management of the internal or external national concerns, as they are in private life. The irreproachable private character of the President, and of all the members of his administration, is known and respected. There is not one of them who would not spurn with indignation the most remote hint that, on similar pretences to those alleged for dismembering Mexico, he might be capable of an attempt to appropriate to himself his neighbor's farm.

In the total absence of any argument that can justify the war in which we are now involved, resort has been had to a most extraordinary assertion. It is said, that the people of the United States have an hereditary superiority of race over the Mexicans, which gives them the right to subjugate and keep in bondage the inferior nation.

This, it is also alleged, will be the means of enlightening the degraded Mexicans, of improving their social state, and of ultimately increasing the happiness of the masses.

Is it compatible with the principle of Democracy, which rejects every hereditary claim of individuals, to admit an hereditary superiority of races? You very properly deny, that the son can, independent of his own merit, derive any right or privilege whatever, from the merit or any other social superiority of his father. Can you for a moment suppose, that a very doubtful descent from men, who lived one thousand years ago, has transmitted to you a superiority over your fellow-men? But the Anglo-

Saxons were inferior to the Goths, from whom the Spaniards claim to be descended ; and they were in no respect superior to the Franks and to the Burgundians. It is not to their Anglo-Saxon descent, but to a variety of causes, among which the subsequent mixture of Frenchified Normans, Angevins and Gascons must not be forgotten, that the English are indebted for their superior institutions. In the progressive improvement of mankind, much more has been due to religious and political institutions, than to races. Whenever the European nations, which, from their language, are presumed to belong to the Latin or to the Slavonian race, shall have conquered institutions similar to those of England, there will be no trace left of the pretended superiority of one of those races above the other. At this time, the claim is but a pretext for covering and justifying unjust usurpation and unbounded ambition.

But admitting, with respect to Mexico, the superiority of race, this confers no superiority of rights. Among ourselves, the most ignorant, the most inferior, either in physical or mental faculties, is recognized as having equal rights, and he has an equal vote with any one, however superior to him in all those respects. This is founded on the immutable principle that no one man is born with the right of governing another man. He may, indeed, acquire a moral influence over others, and no other is legitimate. The same principle will apply to nations. However superior the Anglo-American race may be to that of Mexico, this gives the Americans no right to infringe upon the rights of the inferior race. The people of the United States may rightfully, and will, if they use the proper means, exercise a most beneficial moral influence over the Mexicans, and other less enlightened nations of America. Beyond this they have no right to go.

The allegation that the subjugation of Mexico would be the means of enlightening the Mexicans, of improving their social state, and of increasing their happiness, is but the shallow attempt to disguise unbounded cupidity and ambition. Truth never was or can be propagated by fire and sword, or by any other than purely moral means. By these, and by these alone, the Christian religion was propagated, and enabled, in less than three hundred years, to conquer idolatry. During the whole of that period, Christianity was tainted by no other blood than that of its martyrs.

The duties of the people of the United States towards other nations are obvious. Never losing sight of the divine precept, "Do to others as you would be done by," they have only to consult their own conscience. For our benevolent Creator has implanted in the hearts of men the moral sense of right and wrong, and that sympathy for other men, the evidences of which are of daily occurrence.

It seems unnecessary to add anything respecting that false glory which, from habit and the general tenor of our early education, we are taught to admire. The task has already been repeatedly performed, in a far more able and impressive manner, than anything I could say on the subject. It is sufficient to say that, at this time, neither the dignity nor honor of the nation demand a further sacrifice of invaluable lives, or even of money. The very reverse is the case. The true honor and dignity of the nation are inseparable from justice. Pride and vanity alone demand the sacrifice. Though so dearly purchased, the astonishing successes of the American arms have at least put it in the power of the United States to grant any terms of peace, without incurring the imputation of being actuated by any but the most elevated motives. It would seem that the most proud and vain must be satiated with glory, and that the most reckless and bellicose should be sufficiently glutted with human gore.

A more truly glorious termination of the war, a more splendid spectacle, an example more highly useful to mankind at large, cannot well be conceived, than that of the victorious forces of the United States voluntarily abandoning all their conquests, without requiring anything else than that which was strictly due to our citizens.

### VIII.—*Terms of Peace.*

I have said that the unfounded claim of Texas to the territory between the Nueces and the Rio Norte, was the greatest impediment to peace. Of this there can be no doubt. For if, relinquishing the spirit of military conquest, nothing shall be required but the indemnities due to our citizens, the United States have only to accept the terms which have been offered by the Mexican Government. It consents to yield a territory five degrees of latitude, or near 350 miles, in breadth, and extending from New Mexico to the Pacific. Although the greater part of this is quite worthless, yet



the portion of California lying between the Sierra Nevada and the Pacific, and including the port of San Francisco, is certainly worth much more than the amount of indemnities justly due to our citizens. It is only in order to satisfy those claims, that an accession of territory may become necessary.

It is not believed that the Executive will favor the wild suggestions of a subjugation, or annexation of the whole of Mexico, or of any of its interior provinces. And, if I understand the terms offered by Mr. Trist, there was no intention to include within the cessions required, the Province of New Mexico.\* But the demand of both Old and New California, or of a sea-coast of more than thirteen hundred miles in length (lat. 23° to 42°), is extravagant and unnecessary. The Peninsula is altogether worthless, and there is nothing worth contending for, south of San Diego, or about lat. 32°.

In saying that, if conquest is not the object of the war, and if the pretended claim of Texas to the Rio del Norte shall be abandoned, there cannot be any insuperable obstacle to the restoration of peace, it is by no means intended to assert that the terms heretofore proposed by either party are at this time proper. And I apprehend that the different views of the subject entertained by those who sincerely desire a speedy and just peace, may create some difficulty. There are some important considerations which may become the subject of subsequent arrangements. For the present, nothing more is strictly required than to adopt the principle of *status ante bellum*, or, in other words, to evacuate the Mexican territory, and to provide for the payment of the indemnities due to our citizens. The scruples of those who object to any cession whatever of territory, except on terms unacceptable to the Southern States, might be removed by a provision, that would only pledge a territory sufficient for the purpose, and leave it in the possession of the United States until the indemnities had been fully paid.

Was I to listen exclusively to my own feelings and opinions, I would say, that, if the propositions which I have attempted to establish are correct; if I am not mistaken in my sincere conviction, that the war was unprovoked by the Mexicans, and has been one of iniquitous aggression on our part; it necessarily follows that, according to the dictates of justice, the United States are bound to indemnify them, for having invaded their territory, bombarded their towns, and inflicted all the miseries of war on a people, who were fighting in defence of their own homes. If all this be true, the United States would give but an inadequate compensation for the injuries they have inflicted, by assuming the payment of the indemnities justly due to their own citizens.

Even if a fair purchase of territory should be convenient to both parties, it would be far preferable to postpone it for the present, among other reasons, in order that it should not have the appearance of being imposed on Mexico. There are also some important considerations, to which it may not be improper to call at this time the public attention.

Our population may at this time be assumed, as amounting to twenty millions. Although the ratio of natural increase has already been lessened, from thirty-three to about thirty per cent. in ten years, the deficiency has been, and will probably continue, for a while, to be compensated by the prodigious increase of immigration from foreign countries. An increase of thirty per cent. would add to our population six millions, within ten, and near fourteen millions in twenty years. At the rate of only twenty-five per cent. it will add five millions in ten, and more than eleven millions in twenty years. That the fertile uncultivated land, within the limits of the States admitted, or immediately admissible in the Union, could sustain three times that number, is indubitable. But the indomitable energy, the locomotive propensities, and all the habits of the settlers of new countries are such, that, not even the united efforts of both Governments can or will prevent their occupying within twenty, if not within ten years, every district, as far as the Pacific, and whether within the limits of the United States or of Mexico, which shall not have previously been actually and *bona fide* occupied and settled by others. It may be said that this is justifiable by Natural

\* Mr. Gallatin was misled, by a confused description in a newspaper of the terms offered by Mr. Trist, into the erroneous belief, that New Mexico was not included in the cessions required from Mexico.

Law; that, for the same reason which sets aside the right of discovery, if not followed by actual occupation within a reasonable time, the rights of Spain and Mexico have been forfeited by their neglect, or inability, during a period of three hundred years, to colonize a country, which, during the whole of that period, they held undisputed by any other foreign nation. And it may perhaps be observed that, had the Government of the United States waited for the operation of natural and irresistible causes, these alone would have given them, without a war, more than they want at this moment.

However plausible all this may appear, it is nevertheless certain, that it will be an acquisition of territory for the benefit of the people of the United States, and in violation of solemn treaties. Not only collisions must be avoided, and the renewal of another illicit annexation be prevented; but the two countries must coolly consider their relative position; and whatever portion of territory, not actually settled by the Mexicans, and of no real utility to them, they may be disposed to cede, must be acquired by a treaty freely assented to, and for a reasonable compensation. But this is not the time for the discussion of a proper final arrangement. We must wait till peace shall have been restored, and angry feelings shall have subsided. At present the only object is Peace, immediate peace, a just peace, and no acquisition of territory, but that which may be absolutely necessary for effecting the great object in view. The most simple terms, those which will only provide for the adjustment of the Texan boundary and for the payment of the indemnities due to our citizens, and; in every other respect, restore things as they stood before the beginning of hostilities, appear to me the most eligible. For that purpose I may be permitted to wish, that the discussion of the terms should not be embarrassed by the introduction of any other matter. There are other considerations, highly important, and not foreign to the great question of an extension of territory, but which may, without any inconvenience or commitment, be postponed, and should not be permitted to impede the immediate termination of this lamentable war.

I have gone farther than I intended. It is said that a rallying point is wanted by the friends of peace. Let them unite, boldly express their opinions, and use their utmost endeavors in promoting an immediate termination of the war. For the people, no other banner is necessary. But their representatives in Congress assembled are alone competent to ascertain, alone vested with the legitimate power of deciding, what course should be pursued at this momentous crisis, what are the best means for carrying into effect their own views, whatever these may be. We may wait with hope and confidence the result of their deliberations.

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I have tried, in this essay, to confine myself to the questions at issue between the United States and Mexico. Whether the Executive has, in any respect, exceeded his legitimate powers; whether he is, for any of his acts, liable to animadversion, are questions which do not concern Mexico.

There are certainly some doubtful assumptions of power, and some points on which explanations are necessary. The most-important is the reason, which may have induced the President, when he considered the war as necessary and almost unavoidable, not to communicate to Congress, which was all that time in session, the important steps he had taken, till after hostilities, and indeed actual war, had taken place. The substitution, for war contributions, of an arbitrary and varying tariff, appears to me to be of a doubtful nature; and it is hoped, that the subject will attract the early attention of Congress. I am also clearly of opinion, that the provisions of the law respecting volunteers, which authorizes them to elect their officers, is a direct violation of the constitution of the United States, which recognizes no other land force than the army and militia, and which vests in the President and Senate the exclusive power of appointing all the officers of the United States, whose appointments are not otherwise provided for in the constitution itself. (With respect to precedents, refer to the act of July 6th, 1812, chap. 461, (exxxviii.) enacted with due deliberation, and which repeals, in that respect, the act on same subject of February 6th, 1812.)

# NOTES.

## (A) *Indemnities.*

PAGE 2, LAST PARAGRAPH. Mr. Waddy Thompson, Minister of the U. S. at Mexico, in the years 1842, 1843, says, that

"By the Convention of 1839, the Mexican Government had the alternative of paying the awards either in coin, or *in their own Treasury Notes*, at their option. The market was already loaded with this depreciated Government paper, and new emissions were daily made. The market value of these Treasury Notes was about thirty cents on the dollar, and if this additional two millions had been thrown on the market, they would have depreciated still more. The owners of these claims knew this, and were anxious to make some other arrangement. *The awards were not sent to me until October.* I demanded the money; but it was a mere form, for every one knew that the Government neither had the money nor the means of raising it, and coercion was out of the question, as they would have availed themselves of the alternative of the ready and given the Treasury Notes, which would only have been changing the evidence of the debt and to a less advantageous form. In a week, however, I made a new convention with the government."

By this convention, dated Jan. 30, 1843, Mexico agreed to pay the liquidated debt *in coin*, paying the interest up to the 30th of April, 1843, and the principal and interest in five years from that date in tri-monthly instalments. This important fact, the good faith of the Mexican Government in not availing itself of the right which it had by the Convention of 1839 to pay in their depreciated Treasury Notes, should have been mentioned, when the conduct of Mexico with respect to the indemnities was officially stated to have been a just cause for war.

With respect to the last convention of 20th Nov., 1843, which provided for the settlement of the claims on which no final decision had been made by the former joint commission, Mr. Thompson says: "I was anxious to have made provision for the settlement of these cases at the time that I negotiated the Convention of January, 1843, but *my Government thought otherwise.* In November, however, of that year, I received instructions to negotiate another convention for the settlement of these claims. . . . I succeeded, but with difficulty, in *obtaining every concession which I had been instructed to ask, and on some points more*, with the single exception of the place of meeting of the new commission, which I agreed should be Mexico instead of Washington."

The Convention itself, which the Senate refused to ratify for that reason, is not within my reach.

## (B.) *Treaty of Peace.*

PAGE 5, 2D PARAGRAPH. The treaty of peace of 1783 between France and England, alluded to in the text, is that of the Preliminaries signed on the 20th January, 1783, negotiated on the part of Great Britain by Mr. Fitzherbert, who was not admitted as *resident* Envoy or Minister. These preliminary articles did in fact put an end to the war. The diplomatic intercourse was immediately restored; and the definitive treaty, signed on the 3d of September following by the respective Ambassadors of the two Powers, was but a matter of form; for it is verbatim and without a single alteration, the transcript of the Preliminary Articles.

## (C.) *Forcible Occupation of Litigated Territory.*

PAGE 6, LINE 32. On the subject of the military occupation, by Gen. Taylor, in obedience to the order of the President, of the territory adjacent to the left bank of the Rio del Norte, I said in the text: "I do aver, without fear of contradiction, that whenever a territory claimed by two Powers is, and has been for a length of time, in the possession of one of them, if the other should invade and take possession of it by military force, such an act is an open act of hostility, according to the acknowledged and practical law of nations. In this case the law of nations only recognizes a clear and positive fact."

I did not state any precedent, because, on this subject, we need not recur to any foreign example: we have one at home which is conclusive, and which should have been stated at large, instead of only alluding to it.

The claims of Great Britain to a certain portion of territory, lying, according to the Treaty of 1783, within the limits of the north eastern boundary of the United States, were altogether groundless and frivolous. At all events, such was the unanimous opinion of the people of the United States. Every public man, either in Maine, or in Congress, who ever had an opportunity of delivering his opinion, expressed his intimate conviction of the absolute and exclusive right of the United States to the litigated territory. I am not aware of a single instance of a citizen of the United States expressing a different opinion.

But Great Britain was in actual possession of a considerable portion of the inhabited part of the territory claimed by her. And it is a positive fact, known to everybody, that neither Maine, nor the United States, ever attempted to invade or forcibly to occupy the territory thus in the actual possession of Great Britain. It was well known and understood, that such an attempt would have been an open act of hostility, tantamount to a declaration of war. And when difficulties arose between the borderers of both nations, General Scott was sent by the Government of the United States, in order to make such arrangements with the local authorities of New Brunswick, as might prevent any dangerous collision. It is well known that, by his prudent conduct, he succeeded in accomplishing the object of his mission, and was considered as having thus rendered an eminent service to the country.

[The text in this section is extremely faint and illegible due to the age and condition of the document. It appears to be a series of paragraphs or notes.]



